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An Appraisal of Maqāsid Al-Shari‘ah Classic and Recent Literature: Systematic Analysis

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Abstract

Maqāsid al-Shari‘ah has been typically defined as the objectives behind the Islamic rulings or the Shari‘ah higher intent. This knowledge is very important for the mujtahids and Islamic scholars not only to understand or interpret the Shari‘ah legal texts, but also to deduce solutions for contemporary problems faced by Muslims. *Maqāsid al-Shari‘ah* is traditionally divided into three levels of necessity, which are necessities (*al-Ḍaruriyyāt*), needs (*al-Ḥajjiyyāt*), and luxuries (*al-Taḥsiniyyāt*). Extensive discussion of *maqāsid al-shari‘ah* in Islamic jurisprudence has led to the classification of five elements of preservation, *inter alia*, protection of faith or religion (*Hifz al-Din*), protection of life (*Hifz al-Nafs*), protection of lineage (*Hifz al-Nasl/Nasb*), protection of intellect (*Hifz al-‘Aql*), and protection of property (*Hifz al-Māl*). The objective of this study is to systematically analyse the classical and recent literature related to *maqāsid al-shari‘ah*. This qualitative study employs systematic literature review to compile the classical and recent related literature which then analysed it using content analysis method by adapting deductive and inductive reasoning. The data analysed will be deductively displayed in form of matrix table. The said table is inductively clarifying the content of the major issues in each literature. The result of the study portrays the lack of explicit discussion related to *maqāsid al-shari‘ah* in classical literatures. The issue related to the *maqāsid al-shari‘ah* were addressed impliedly by the classical authors as they were more focusing on the basic and fundamental issues related to Islamic

jurisprudence. Meanwhile, in recent literatures, the discussion has turned to be more specific, extensive and fruitful which apply to most of the field of knowledge including science and technology. As a pioneer, this study contributes in producing data from the classical literatures to the recent academic writing which can trigger more elaborative studies on *maqāsid al-shari'ah*. Last but not least, it also supplies the academicians extensive literatures directly and indirectly discussed and related to *maqāsid al-shari'ah*.

Keywords: *Maqāsid al-shari'ah*, Maqasid,

Introduction

Epistemic *maqāsid al-shari'ah* is derived from joints supplementary words (*murakkab idāfī*) between *maqāsid* and *al-shari'ah* (al-Yūbi, 2012). In literal interpretation, *maqāsid* refers to objective, purpose and goal (Mulhim, 2005). Furthermore, Ibnu Manzur (1994) elucidated the word comes from *al-qaṣḍu* that is *al-'adlu* which means justice. It is also been referred to 'intent' which can be interchanged by the word 'meaning' (al-Raysūni, 2006). *al-Shari'ah* literally means a way to the watering place or the path (Ibnu Manzur, 1994). Technically it refers to what been ordained by Allah to His slaves covering faith, worship, manners, interaction, and system of life to organize relationship between people with their Lord and their relations with one another (al-Qattān, 2001).

Prominent *Maqāsid* Scholars such as al-Ghazālī and al-Shātībī do not provide an extrinsic definition of *maqāsid al-shari'ah* instead illustrate the general idea and concept of it in their books (al-Yūbi, 2012). As for instance, al-Ghazālī (1993) explained the idea of *maqāsid al-shari'ah* as matters that preserve the religion, life, intellect, progeny, and property. Any conduct preserve these five attributes is *maṣlaḥah*, and any conduct that infringe these attributes is *mafsadah*. He further explained *maqāsid* is an expression that contains the meaning of sustaining *maṣlaḥah*, rejecting the *mafsadah*, and establishing the *maṣlaḥah* (al-Ghazālī, 1971). However, technical definition for *maqāsid al-shari'ah* has been provided by numerous Scholars based on their understanding from the idea and concept put forward by al-Ghazali and al-Shatibi. Ibnu 'Āshūr (2012) has elucidate the meaning of *maqāsid al-shari'ah* as deeper meanings and inner aspects of wisdom considered by the Lawgiver in all or most of the areas and circumstances of legislation. Similarly, with al-Fāsī (2013) which defined the *maqāsid al-shari'ah* as the purpose and secrets that the Lawgiver put in each of its provisions. On the similar vein, al-Raysūnī (1995) opined it is the goals that set-up by the law for the sake of their people.

As for the purpose of this research, *maqāsid al-shari'ah* is briefly defined as the goals that the law aims and bridging between Islamic law and today's concept and notions of human rights,

development, civility and others, linked with preserving *maṣlahah* and eliminating *masfsadah* concept, that need to be obtained for the benefit of human being (Ahmad Syukran, 2017).

This qualitative study employs systematic literature review to compile the classical and recent related literature which then analysed it using content analysis method by adapting deductive and inductive reasoning. The data analysed will be deductively displayed in form of matrix table. The said table is inductively clarifying the content of the major issues in each literature. Range of year involved in this study are between two period of time; classical period (900s until 1400s) and recent period (2003 until 2019). In comparison between 19 classical and 63 recent literatures, differences were recorded and analysed to get the scopes and trend of the studies. Data were gathered from different database; Scopus, Wob of Science (WOS), national library database and Google Scholar. All literatures were then be sorted into different categories according to the variables such as field of study and publication year.

Early Theory Maqāsid Al-Sharī'ah in Classical Literatures

Table 1 below illustrates the development and evolution of early theory *maqāsid al-sharī'ah* written by the jurist and scholars from 296 AH/ 908 CE until 794 AH/ 1391 CE.

Table 1: Development and evolution early theory of *Maqāsid al-Sharī'ah*

Year	Important Events
296 AH/908 CE	al-Hakīm al-Tirmidhī (1965, 1969) (d. 320 AH/932 CE) wrote books entitled <i>al-Ṣalāt wa Maqāsiduhā</i> and <i>al-Hajj wa-Asrāruhu</i> which explain on the 'secrets' behind each acts of worship in <i>al-ṣalāt</i> and <i>al-ḥajj</i> .
322 AH/933 CE	Abu Zayd al-Balkhī (2003) (d. 322 AH/934 CE) wrote two books in the field of <i>maqāsid</i> in <i>mu'āmalāt</i> and <i>al-maṣlahah</i> entitled <i>al-Ibānah 'an 'ilal al-Diyānah</i> and <i>Maṣāliḥ al-Abdān wa al-Anfus</i> .
365 AH/ 975 CE	<i>Maḥāsin al-Sharī'ah fī Furū' al-Shafi'iyyah</i> was introduced by al-Qaffāl al-Kabīr (2007) (d. 365 AH/975 CE) which discussed for the pupose to illustrate the beauties of revealed law and providing answers on wisdoms and reasons of the creation behind the law attributed by Allah (s.w.t.).
381 AH/991 CE	Shi'a jurist, Ibnu Babawayh al-Qummi (2006) (d. 381 AH/991 CE) also contributed to the field of <i>maqāsid al-sharī'ah</i> by the book of <i>'Ilal al-Sharāi'</i> .

381 AH/991 CE	<i>Maqāṣid al-sharī‘ah</i> have been elaborated in theoretical classification of purposes based on criminal punishment by al-‘Āmirī (1988) (d. 381 AH/991 CE) in his <i>al-I‘lām bi Manāqib al-Islām</i> .
478 AH/1085 CE	In the life of an <i>uṣūlī</i> scholar, Abū Ma‘ali al-Juwaynī Abū Ma‘ālī al-Juwaynī (1980, 1997) (d. 478 AH/1085 CE) wrote some significant contributions such as <i>al-Burhān fī Uṣūl al-Fiqh</i> and <i>Ghiyāth al-Umām fī Iltiyāth al-Ẓulam</i> . The first book is discussed in depth chapters of the five essential values of <i>maqāṣid al-sharī‘ah</i> . Meanwhile, in the second book <i>maqāṣid al-sharī‘ah</i> have been discussed in relation with political issues.
505 AH/1111 CE	al-Ghazālī (1993) (d. 505 AH/1111 CE) is one of Abū Ma‘ali al-Juwaynī’s students. He developed al-Juwaynī’s theory further in his book, <i>al-Mustasfā</i> . Other than organize the necessities concept introduced by his teacher into faith, life, mind, offspring, and property, he also dictate the term ‘preservation’ for these necessities.
660 AH/1209 CE	The book of <i>Maqāṣid al-Ṣalah</i> and <i>Maqāṣid al-Ṣaum</i> written by Ibnu Abdul Salam (1995, 2008) (d. 660 AH/1209 CE) aim to discuss in the ‘wisdoms-behind-rulings’ theme. However, he then contribute more in this <i>al-maqāṣid</i> field by his next artwork specialised in <i>al-maṣālīḥ</i> which known as <i>Qawā‘id al-Aḥkam fī Maṣālīḥ al-Anām</i> .
684 AH/1285 CE	al-Qarāfī (2010) (d. 684 AH/1285 CE) wrote <i>al-Furūq</i> and defined a new meaning of <i>al-maqāṣid</i> . His masterpiece then has been expanded by Ibn ‘Āshūr.
686 AH/1287 CE	By following the example of Ibn ‘Abd Salām, Quṭb al-Din al-Qaṣṭalānī (1992, t.t.) (d. 686 AH/1287 CE) wrote two books, <i>Marāṣid al-Ṣalāh fī Maqāṣid al-Ṣalāh</i> and <i>Madārik al-Marām fī Masālik al-Ṣiyām</i> , dedicated to the topic <i>maqāṣid</i> for prayers and fasting with the same approach as Ibnu Abdul Salam.
748 AH/1347 CE	The contribution of Ibnu Qayyim (2002) (d. 748 AH/1347 CE) to the theory of <i>al-maqāṣid</i> is from <i>al-Ḥiyāl al-Fiqhiyyah</i> which have been extensively discussed in <i>I‘lām al-Muwaqqi‘īn ‘an Rabb al-‘Ālamīn</i> and also through his juridical methodology that is based on ‘wisdom and people’s welfare.

790 AH/1388 CE	Using the same terminology that al-Juwaynī and al-Ghazali developed, al-Shātibī (2011) (d. 790 AH/1388 CE) wrote a most significant book of <i>al-Muwafaqāt fī Uṣūl al-Sharī‘ah</i> and developed the theory of <i>al-maqāṣid</i> in his own way through the concept of necessities.
794 AH/1391 CE	al-Zarkashī (1994) (d. 794 AH/1391 CE) adopted term <i>al-Maṣāliḥ</i> instead of <i>al-Maqāṣid</i> in his book of <i>al-Baḥr al-Muḥīt fī Uṣūl al-Fiqh</i> . He also used term <i>istiṣlāḥ</i> (deduction for public good) interchangeably in his discussion related to <i>maqāṣid al-sharī‘ah</i> .

Various interpretation in the classification of *maqāṣid al-sharī‘ah* have been made by jurists and scholars according to the dimension of the levels of necessity, scope of ruling and people included, and the level of universality (Auda, 2010). These classifications are basically linear to overall concept of *maqāṣid al-sharī‘ah* as mentioned in Sūrah *al-An‘ām* from verse 151 until 154 and in Sūrah *al-Isrā‘* from verse 23 until 26 (Ahmad Syukran, 2017). In fact, some jurists classified *maqāṣid al-sharī‘ah* into certain numbers of categories. Starting from the earlier era of Islam, after the companion’s era, the categorisation of *maqāṣid al-sharī‘ah* was being developed and expanded as time passed. During the first three centuries, scholars use the terms such as *ḥikam*, *munāsabāt*, *ma‘ānī* and *‘ilal* to derive the meaning or the purpose and causes of *maqāṣid al-sharī‘ah* (Auda, 2010). Among the jurists and scholars above mentioned, there are numbers of them that made a very significant contribution to the early theory of *maqāṣid al-sharī‘ah* between fifth to eight centuries, *inter alia*, Abū Ma‘ālī al-Juwaynī (1980, 1997) with his theory of ‘Public Needs’, al-Ghazālī (1993) with his theory of ‘Order of Necessities’, Ibnu Abdul Salam (1995, 2008) with his theory of ‘Wisdoms behind the Rules’, al-Qarāfī (2010) with his theory of ‘Classification of Prophetic Actions’, Ibnu Qayyim (2002) with his theory of ‘What Shariah is all About’, and al-Shātibī (2011) with his theory of ‘Maqasid as Fundamental’.

The Interpretation and Application *Maqāṣid al-Sharī‘ah* in Recent Research Fields

There are thousands of one books and literatures produced within the field of *maqāṣid al-sharī‘ah*. Vast exploration, interpretation, and application have been conducted toward the fundamental and early theory introduced by the *maqāṣid* jurist and scholar as discussed and mentioned above.

Numbers of prominent contemporary scholars in this field have authored their magnum opus such as *Maqāṣid al-Sharī‘ah al-Islāmiyyah* by Ibnu ‘Āshūr (2012). He extended the discussion of *al-Furūq* introduced by al-Qarāfī (2010) through developing the criteria to differentiate between the Prophetic traditions that were meant to be part of the Islamic law and to be for the sake of specific purposes such as conflict resolution, court judgment, political leadership, and friendly advice. He

further introduced new terminology that never been formulated in the traditional *uṣūl al-fiqh* such as theory of the ‘preservation of lineage’ into the preservation of the family system’, and the ‘protection of true belief’ into ‘freedom of beliefs’.

A part from that, Auda (2010) has wrote a philosophical book of *Maqāṣid al-Sharī‘ah as Philosophy of Islamic Law: A Systems Approach*. In this book, he presented *maqāṣid al-sharī‘ah* as the very philosophy of Islamic law. This is due to the nature of *maqāṣid al-sharī‘ah* which applicable and may be integrated into numerous areas of philosophy including law, human rights, morality, civil society, and culture. He also described *maqāṣid al-sharī‘ah* is representing the nexus between Islamic law and today’s notion of human rights, development, and civility.

Another interesting contemporary book related to are *Nazariyyah al-Maqāṣid ‘inda al-Imām al-Shāṭibi* and *Muḥāḍarāt fī Maqāṣid al-Sharī‘ah* both written by al-Raysūnī (1995, 2014). This newly appointed president of the International Union of Muslim Scholar has provide lengthy discussion about the application of *maqāṣid al-sharī‘ah*. Unlike Ibnu ‘Āshūr (2012), al-Raysūnī’s works are influenced from al-Shāṭibī’s interpretation of *maqāṣid al-sharī‘ah*. Al-Raysūnī shared the same opinion with al-Shāṭibī with regard to the division of *Uṣūl al-Fiqh* into two main part which later become the essential requirement to become a mujtahid, first is interpretation methodology towards legal scripts, second is about *maqāṣid al-sharī‘ah*. He refused to acknowledge the discipline of *maqāṣid al-sharī‘ah* as an independent discipline in Islamic studies. He said although studies related to *maqāṣid al-sharī‘ah* in today’s mainstream is now recognized as a discipline, but the status of *maqāṣid al-sharī‘ah* are still a branch or part of the great construction of *Uṣūl al-Fiqh*. Therefore, any study related *maqāṣid al-sharī‘ah* is also considered as a study of *Uṣūl al-Fiqh*.

There were also numbers of significant books produced by the contemporary *Maqāṣid* scholars which carry important discussion related to the application of *Maqāṣid al-Sharī‘ah* within the current and contemporary issues such as *Dirāsah fī Fiqhi Maqāṣid al-Sharī‘ah Bayna al-Maqāṣid al-Kulliyyah wa al-Nuṣūṣ al-Juz’iyyah* by Al-Qarḍāwī (2008), *‘Alāqah Maqāṣid al-Sharī‘ah bi-Uṣūl al-Fiqh* by Bayyah (2006), *Maqāṣid al-Sharī‘ah al-Islāmiyyah wa Makārimuhā* by al-Fāsī (2013), *Naḥwa Taf‘īl Maqāṣid al-Sharī‘ah* by ‘Aṭiyyah (2003), and *Maqāṣid al-Sharī‘ah al-Islāmiyyah wa ‘alāqatuhā bi-Adillah al-Shar‘iyyah* by al-Yūbī (1998).

Other than contemporary books, there are also literatures from journals and conference papers discussed about the theory of *maqāṣid al-sharī‘ah* including the interpretation, application and realization of it into the current development of modern knowledge and technology. Table 2 below listed among recent literatures related to *maqāṣid al-sharī‘ah* and it application toward certain research areas.

Table 2: List of literatures and research areas related to *Maqāṣid al-Sharī'ah*

Research Areas	Literatures
Technology and Engineering	Tri-parent technology (A. H. Ibrahim, Rahman, Saifuddeen, & Baharuddin, 2019), Assisted Reproductive Technology (ART) (A. H. Ibrahim, Rahman, & Saifuddeen, 2018), biotechnology genetic modified (GM) food products (Mohd Kashim, Jamsari, Safiai, Adnan, & Safri, 2018), XYZ Information Technology University (Purwanto & Wibowo, 2017), tissue engineering in degenerative disc disease (Mohd Yusof, Zainul Ibrahim, & Munirah, 2014), emerging scientific and technological issues (Saifuddeen, Chang, Ibrahim, & Khotib, 2013), and genetically modified foods and whistleblowing (Solihu & Ambali, 2011).
Banking and Financial	Interest tax shield (Zaman, Kabir Hassan, Akhter, & Brodmann, 2019), Unleveraged Green Investment Trust (UGIT) (Aassouli, Ebrahim, & Basiruddin, 2018), investment (Razaly, Ishak, Saidon, Redzuan, & Mustafa, 2018), Corporate Social Responsibility (CSR) practices (Tarique, Ahmed, Hossain, & Momen, 2017), Shari'ah governance in Islamic capital market (Miskam, Yaakub, & Hamid, 2017), Maqasid al-Shari'ah based performance measures (Maqasid PMs) (M. H. S. Mohamad, Ali, & Sharif, 2016), development of Islamic banking and the financial system (Noor, Kamarudin, & Haron, 2016), dispute management in Islamic financial services and products (Oseni, 2015), developing programs based on Maqasid Sharia by Islamic Microfinance Institution (Sukmana & Taqwa, 2015), structuring sukuk development and validating the issuances' characteristic (Saad, Mamat, & Mohamad, 2014).
Sociology and Education	Commodification of knowledge in higher education (Othman, Hussien, Md Sidek, & Faizuddin, 2017), application of Maqasid al-Shariah in fiqh contemporary (Farah Farhana & Mohd Anuar, 2016), inclusive human development policy (Oladapo & Asmak, 2016), socio-economic reforms (Tahir, 2015), evaluating modern challenges and <i>Fiqh al-Aqalliyyat</i> (Alwani, 2014)
Environment	Environmental planning policy (Bakar, Sarkawi, & Abdullah, 2017), Green Jobs and environmental ethics (Mansour, Hassan, & Bagheri, 2017), land Development (N. A. Mohamad, 2015), Green Energy (Nur Hidayah, Zul Ilham, Shaikh Mohd Saifuddeen, & Noor Naemah, 2015), and introduce the preservation/protection of environment (Hifz al-Bi`ah) (Deuraseh, 2012).

Public Policy, Governance and Legislation	Good governance in management of <i>tabligh masjid</i> (L. Zakariyah, Sarif, Osman, & Rahman, 2018), fatwas of Indonesian Council of Ulama (MUI) (Syafei, 2017), advertising guidelines involving women in Malaysia (Ayunni, Mohd Anuar, & Muhamad Asyraf, 2016), the Pseudo-Maqasid Approach in the current Islamic law flow (Muhamad Sayuti & Mohd Anuar, 2016), tackling the phenomenon of religious extremism (Rahimin Affandi, Mohd Anuar, Mohd Imran, Muhammad Ikhlas, & Siti Maimunah, 2016), reform and renewal of the Maqasid (Rauf, 2015), reinvestigating the dimensions of Islamic Leadership Inventory (ILI) (Mahazan et al., 2015), juristic family rulings (al-Disuqi, 2012), qisas and diyah (I. A. Ibrahim, Laluddin, & Samsudin, 2012), reflections on the implications for Muslim women in the tension between Shari'ah and western law (Luqman Zakariyah, 2012), Islamic Statehood (Hewison, 2011), and application of al-Uqubat in the contemporary society (Oloso & Uthman, 2011)
Halal	Genetic modified organisms (GMOs) food products (Mohd Kashim et al., 2018), Shari'ah compliant of SPA practices (Halim & Hatta, 2017), implementing a Shari'ah compliant hospital (Shariff, Mohtar, & Jamaludin, 2016), genetically modified food (Akhmetova, 2016), performance measurement in halal industry (Rahman, Tareq, & Mandzir, 2016), standard reference for determining Malaysian halal food (Arif & Sidek, 2015), and plant pigments as natural food colorants (Munawar, 2014).
Medical and Bioethics	Medical ethics (Ghalia, Amanullah, Zakariyah, & Mohamed Muhsin, 2018), somatic gene therapy (Samori & Badran, 2018), aesthetic dentistry involving malocclusion and root canal treatment (Yacob, Ramli, Majid, Fatah, & Zahid, 2017), vaccination on children (Tengku Fatimah Azzahra & Nurhidayah, 2016), plastic surgery and reconstruction (Mohammad Naqib, Mohd Anuar, & Wan Nur Deeni, 2016), neuroethics (Baharuddin, Musa, & Salleh, 2016), use of blood based modern treatment (Nurhidayah, Mohd Anuar, Tengku Fatimah Azzahra, & Nur Diyana, 2016), immunisation (Nordin, 2016), cartilage tissue engineering (Radzi, Hashi, & Sha'ban, 2016), medical and healthcare practices (Razak & Abdulahi, 2016), Islamic bioethical deliberation (Mohamed & Noor, 2015), conventional bioethics (Saifuddeen, Rahman, Isa, & Baharuddin, 2014), physiognomy (Shabana, 2014), Nonmaleficence (Shabana, 2013), paternity (Shabana, 2012), Islamic bioethics in genetics and modern biotechnology (Amin et al., 2011), and unwanted pregnancy (Kasule, 2003).

Recent researches have shown a rapid growth in the *maqāṣid al-sharī'ah* discussion. As listed under Table 2 above, those discussions cover the application of *maqāṣid al-sharī'ah* in various aspects of human life such as technology, engineering, banking, financial, economic, sociology, education, environment, public policy, governance, *halal*, medical, bioethics, and legislation. This study found that the discussion of *maqāṣid al-sharī'ah* has tremendously covers a wide scope of human life. Contemporary issues have been discussed in numerous literatures from the view of *maqāṣid al-sharī'ah*. By focusing this review to the literatures in recent area, researcher has discovered a lot of literatures that are significant with the *maqāṣid al-sharī'ah* discussion.

1) Technology and Engineering

Numbers of literatures produced have associating the main theme of technology and engineering discussion with *maqāṣid al-sharī'ah*. A. H. Ibrahim et al. (2019) have conducted a research related to tri-parent baby technology. It is an assisted reproductive treatment which intends to underrate or eliminate maternal inheritance of mutated mitochondrial DNA (mtDNA). This research aims to analyze and discuss the implications of the tri-parent technology on preservation of lineage (*ḥifz al-nasl*) from the perspective of *maqāṣid al-sharī'ah* based the Islamic bioethics. The analysis shows that there are few violations of the *ḥifz al-nasl* principle; hence the tri-parent baby technology should not be permitted. Furthermore, A. H. Ibrahim et al. (2018) also have produced another research related to Malaysian Assisted Reproductive Technology (ART). This paper features a conceptual theoretical framework based on *maqāṣid al-sharī'ah* for solving current bioethical issues, with a special focus on ART in the Malaysian context, and compares this theory with conventional theories of bioethics. There are few also research concerning the biotechnology genetic modified (GM) food products. Among the literatures are done by Mohd Kashim et al. (2018) and Solihu and Ambali (2011). They associated their discussion of GM food products with the *maqāṣid al-sharī'ah* principle.

Besides that, Purwanto and Wibowo (2017) have done the determination level of employees welfare of XYZ Information Technology (IT) University in Islamic perspective. The employees welfare here refers to the fulfilment of *maqāṣid al-sharī'ah*. The results of this paper are expected to help the human resources development section of XYZ IT University to make a decision and subsequent policies. Other than that, research done by Mohd Yusof et al. (2014) is served to address the gap in discussions pertaining to the application of tissue engineering in degenerative disc disease from Islamic perspectives. The brief discussions from Islamic perspectives covers four aspects, *inter alia*, concept of the Islamic Worldview, *qawā'id al-fiqhiyyah*, and *maqāṣid al-sharī'ah*, and Islamic Jurisprudence. They attempted to align tissue engineering with respect to those Islamic perspectives. Last but not least, research conducted by Saifuddeen et al. (2013) proposed a suitable ethical framework based on Islamic teaching in tackling emerging

scientific and technological issues. The development of the framework was based on the *maqāṣid al-sharī'ah*. By utilizing the framework, it can be served as a practical checklist that can aid Muslims in providing answer or feedback to the various issues pertaining to science and technology.

2) Banking and Financial

This research area is among the typical practice that associate the main discussion with *maqāṣid al-sharī'ah*. The banking and financial research area is among the typical practice that associate the main discussion with *maqāṣid al-sharī'ah*. For instance, the research carried out by Zaman et al. (2019) revealed that the experts consider the interest tax shield as an anathema to the ends of *maqāṣid al-sharī'ah* in Islamic finance. The interest tax shield discourages equity financing and hinders the objective of overall human well-being. This research recommends the researchers and practitioners to align and refine contemporary issues of conventional and Islamic economics and finance in light of *maqāṣid al-sharī'ah*. Besides, a study carried out by (Aassouli et al., 2018) had proposed a liquidity management solution for Islamic financial institutions (IFIs) by developing a structure of Unleveraged Green Investment Trust (UGIT) model with the aim to fulfill the *maqāṣid al-sharī'ah* through three key objectives namely financial stability, climate change mitigation and sustainable development. Similarly, the work of Miskam et al. (2017) has highlighted the necessity of regulating the Shariah governance framework to ensure that all financial transactions and instruments are structured in accordance with Shariah principles to achieve the objectives of Shari'ah. investment (Razaly et al., 2018). The next literature is a research conducted by Tarique et al. (2017) which analysed the Corporate Social Responsibility (CSR) activities performed by the leading Islamic bank in Bangladesh according to the levels of *maqāṣid al-sharī'ah* (necessities, complements and embellishments). The study found that performance measures for public interest and fairness are widely used by the Islamic banks. Besides, a study carried out by M. H. S. Mohamad et al. (2016) aims at investigating the practice of *maqāṣid al-sharī'ah* based performance measures, determinants of its successful implementation and its impact on Islamic bank performance. The findings showed that the Islamic banks' performance driver becomes more effective by utilizing the *maqāṣid al-sharī'ah* based performance measures.

A literature entitled “*The Importance of Understanding the Maqasid of Shari'ah in the Development of Islamic Banking and the Financial System*” stressed the importance of understanding *maqāṣid al-sharī'ah* within the development of Islamic banking and the financial system (Noor et al., 2016). The *Maqasid*-based approach has been adopted by Oseni (2015) in his work to analyse the dispute management in Islamic financial services and products. The work of Sukmana and Taqwa (2015) seeks to develop a financing program which is based on *maqāṣid al-sharī'ah*. The five elements in *maqāṣid al-sharī'ah* such as safeguarding of faith, human self, intellect, posterity, and wealth are transformed into programs by Islamic microfinance institutions. Such development will optimize the role of Islamic financial institution not only to provide

financial services to the customers but also to accommodate the five elements of *maqāṣid al-sharī'ah*.

3) Sociology and Education

There are numbers of literatures in this area that integrate the discussion of sociology or education with *maqāṣid al-sharī'ah*. Among of the literatures is produced by Othman et al. (2017) related to commodification of knowledge in higher education. This article argues that the concept of Islamization of knowledge can be preserved within the context of social welfare. This article also argues that adopting the principles of *maqāṣid al-sharī'ah* to commercialize educational programs is promising and can be made plausible. This is because *maqāṣid al-sharī'ah* has significant impacts on social and cultural circumstances. Another literature in education area is written by Farah Farhana and Mohd Anuar (2016) about application of *maqāṣid al-sharī'ah* to contemporary *fiqh* in Islamic education teaching at IPG. This study concludes the study on *maqāṣid al-sharī'ah* should be emphasised and prioritized in community education so that it does not bring misunderstanding in daily life. The requirements of this *maqāṣid al-sharī'ah* also take into account the moral and cultural considerations of the local community so that it does not violate the principle of *al-sharī'ah*.

4) Environment

Several literatures related to environment has been detected having association with *maqāṣid al-sharī'ah*. A study conducted by Bakar et al. (2017) addressed about environmental planning policy and development strategies in the context of *maqāṣid al-sharī'ah*. The goal of the study is to comprehend policies in the Pahang State Structure Plan and the development strategies in the Kuantan Local Plan, which are connected to environmental planning in line with the five essential aspects of *maqāṣid al-sharī'ah*. The study discovered that there were more policies and strategies on preserving property (*ḥifz al-māl*) while faith (*ḥifz al-dīn*) ranked the lowest. This unbalanced score indicates that the preservation of property was more emphasised compared to other aspects in the environment planning policies and strategies in the Pahang State Structure Plan and Kuantan Local Plan. Thus, it is desirable to develop more policies and strategies for environmental planning. Furthermore, Mansour et al. (2017) have conducted a research about Green Jobs and environmental ethics from Islamic perspective. The concept of green jobs emerged in 2007 as a means for conserving energy, minimizing natural gas emissions, reducing pollution and waste and protecting and improving ecosystems. This article focuses on reviewing green jobs from the Islamic perspective, and concepts and principles such as squander (*israf*), cleanliness (*nizafah*), waste (*itlaf*), no-harm (*la ḍarar*) and causation (*tasbib*) are directly mentioned as a necessary condition for green jobs.

N. A. Mohamad (2015) related to the land development. In this study, she emphasized that a proper understanding of *maqāṣid al-sharī'ah* is crucial for the management of land and its development. This requirement shall be applicable to all parties involved in land management and development such as the owner of the land and the developer. Furthermore, *maqāṣid al-sharī'ah* provides clear basis or framework for land policy. It determines the law as well as suggests solutions for any conflict of laws or conflict of interest. The study handled by Nur Hidayah et al. (2015) was in relation to environmental issues including green energy production. Throughout the discussion, they found out that Islam has outlined number of concepts including wisdom (*hikmah*), public interest (*maṣlahah*), justice (*'adl*), and innovation (*ijtihād*) for ensuring that the environment is managed in a responsible and sustainable manner. The framework of *maqāṣid al-sharī'ah* also provides guidance by highlighting five objectives that need to be protected in carrying out development. Last but not least, Deuraseh (2012) has voiced out his concern to add new essential values of *daruriyyah* of the *maqāṣid al-sharī'ah* in order to response to the challenge of modern and the globalization. In his research, he suggested two new kind of preservations; the preservation of environment (*ḥifz al-bi'ah*) and the preservation of health and protection of disease (*ḥifz al-siḥḥah wa daf' al-marad*).

5) Public Policy, Governance and Legislation

The literatures relating to public policy, governance and legislation which reflect the adoption of *maqāṣid al-sharī'ah* can be seen from the following studies. A study conducted by L. Zakariyah et al. (2018) aimed to determine whether good governance is adopted in the management of the Tabung Masjid by using *maqāṣid al-sharī'ah* approach. This study found that while Malaysia has used some of the public funds for the greater benefit of the masses, the potential of Tabung Masjid in Malaysia has not yet been tapped to achieve the Maqāsid al-Sharī'ah of *darūriyyāt* (Necessities), *hājiyyāt* (Needs) and *tahsīniyyāt* (Embellishments). This study also highlighted the needs to explore the concept of Maqāsid al-Sharī'ah comprehensively to achieve good governance in managing Muslim public funds. Furthermore, the process of issuing fatwa within the Indonesian Council of Ulama (MUI) has considered the employment of *maqāṣid al-sharī'ah* to ensure the applicability and utility of fatwa. Based on the research carried out by Syafei (2017), there are numerous contemporary MUI fatwas that reflect the employment of *maqāṣid al-sharī'ah*. Among the fatwas are those concerning medical issues, such as fatwa on artificial insemination for human being, vaccination, abortion and cloning.

Other than that, research done by Ayunni et al. (2016) has also highlighted the concept of *maqāṣid al-sharī'ah* based on its analysis of the Islamic ruling regarding the involvement of women in advertising. Based on the study conducted by Muhamad Sayuti and Mohd Anuar (2016), the Pseudo-Maqasid approach adopted by liberalist in current Islamic law requires the correct understanding on the concept of *maqāṣid al-sharī'ah* due to the existence of group which disregard the order in actual *nas* to achieve the goals of shariah. The research done by Rahimin Affandi et

al. (2016) has taken on *maqāṣid al-sharī'ah* approach to identify the religious extremist phenomenon among the Muslims. This study suggested the necessity to rely on *maqāṣid al-sharī'ah* as provided by the Muslim jurists to ensure a strong foundation in any knowledge growth. The research conducted by Oladapo and Asmak (2016) had proposed an Islamic human development model (I-HDM) by incorporating social justice and human rights and three contextualized factors, namely education, health, and income into the human development model based on the Maqasid Sharī'ah framework. This study opened a new direction of research through the adoption of the divine framework to propose a model that captures the impact of human rights and social justice on human development. Besides, successful governance of Muslim community led by the rightly-guided caliph, 'Umar ibn 'Abd Al-'Azīz has proven that the management of the affairs of the people in line with *maqāṣid al-sharī'ah* will led to a secure government (Tahir, 2015). Rauf (2015) in his writing revised the results of interviews conducted on several prominent scholars in *maqāṣid al-sharī'ah*. One of the findings traces the evolution of *Maqasid* which has developed to fit modern concerns and understandings and thus provides a foundation for contemporary reform in the Muslim world. Mahazan et al. (2015) have conducted a research based on the principles of higher objectives of Syariah in the literature entitled *Islamic Leadership and Maqasid As-Syariah: Reinvestigating The Dimensions of Islamic Leadership Inventory (Ili) via Content Analysis Procedures*. This research offers insights on the important dimensions of Islamic Leadership in measuring the effectiveness of Muslims' professionals based on the perspectives of Islam and the higher objectives of Shariah.

The application of *maqāṣid al-sharī'ah* can be seen from the studies conducted by al-Disuqi (2012) and I. A. Ibrahim et al. (2012). The former research emphasized the Maqasidic approach on juristic family rulings while the later addressed the judicial analysis on qisas and diyat within the intent of the *Shari'ah*. Based on the research conducted by Luqman Zakariyah (2012), five basic legal maxims have been explored to summon Islamic criminal jurists and judges to establish the overall objectives of *Shari'ah* in a quest for justice in criminal cases. This research addressed the importance of exploring these legal maxims to ensure that the purposes of Islamic criminal law are well comprehended. In a book review by Hewison (2011), the author of "*Islamic Statehood and Maqasid Al-Shariah in Malaysia: A Zero-sum Game?*" argued on the importance of the political government to understand the broad outlines of the objectives of shariah before trying to move on to the ideas of law and control. Lastly, the work of Oloso and Uthman (2011) focused on the complexity of the implementation of Islamic criminal law arise due to the failure to realize the Islamic penal law system in line with the objectives of shariah. This work is grounded upon *maqāṣid al-sharī'ah* to differentiate between the authentic scope and application of Islamic criminal law and the current application of *al-Uqubat* in the contemporary society.

6) Halal

A study conducted by Mohd Kashim et al. (2018) discussed on characteristics of genetic modified (GM) products from science perspective and its Maqasid Shari`ah from Islamic perspective. It is found that the genetic modified organisms (GMO) food products have achieved halalan tayyiban (lawful and good) as the food and its source are Halal; and fulfill the requirement of clean, safe, nutritious, and free from syubhah (grey area). Unfortunately, Akhmetova (2016) claimed that numerous issues arise thus suggested further studies and detailed information regarding GMO food. Regarding halal spa, principles had been proposed by Halim and Hatta (2017) regarding spa practice and products to be practiced among spa practitioners in Malaysia to fulfill the Shari`ah requirements. Other than that, there is also Shari`ah Compliant Hospital (SCH) and the An-Nur Specialist Hospital is made as an example by implementing “ibadah friendly hospital” through providing Standard Operating Procedure (SOP) and staff that comply with Shari`ah requirements in healthcare field. A study conducted by Arif and Sidek (2015) claimed that the standard references used by JAKIM to determine the halal status of food products had fulfilled the concepts of halalan tayyiban in Malaysia. Munawar 2014 in his paper explained the benefits of using natural ingredients as healthy and safe towards human and this purpose is acknowledged as fulfilling the Syariah requirements.

7) Medical and Bioethics

Ghalia, Amanullah, Zakariyah and Mohamed Muhsin (2018) claimed that ethics are the fundamental of Islamic Law and its application towards the medical confidentiality has already in track of fulfilling the Maqasid purposes. Samori and Badran (2018) also agreed on medical ethics concerning somatic gene therapy with addition to particular regulation and restrictions to be followed by practitioners based on Maqasid Shariah. Regarding medical practices, Yacob, Ramli, Majid, Fatah and Zahid (2017) in their paper stated that the crown lengthening in dental treatment for purpose of restoring functions and improving dental healthcare is accepted based on maqasid requirement, or otherwise is rejected. Vaccination among children is accordance with Maqasid purpose of preserving health and protecting against illnesses (Tengku Fatimah Azzahra & Nurhidayah, 2016) and agreed by Nordin (2016) through the immunization program. On the other hand, the use of blood or blood components in medical treatment is determined according to necessity and condition of treatment based on Maqasid Shariah (Nurhidayah, Mohd Anuar, Tengku Fatimah Azzahra, & Nur Diyana, 2016). In field of application of biotechnology towards medicine, Baharuddin, Musa and Salleh (2016) opined that an extensive study on neuroscience technology to gain proper understanding on neuroscience technology to fulfill with the Maqasid guidelines. Another application is the cartilage tissue engineering and this technique has fulfilled the Maqasid Shariah by improving health thus enhancing quality of life (Radzi, Hashi, & Sha'ban, 2016). Mohamed and Noor (2015) had discussed on bioethical in Islam regarding sex assignment surgery (SAS) among infants with disorders of sex development (DSD) or intersex condition by

critically deliberated to determine whether the procedure is in line with Maqasid requirement of preserving benefits and preventing harm on individual. A bioethics framework that is complementary with Maqasid Shariah was also suggested by Saifuddeen, Rahman, Isa, and Baharuddin (2014) to be applied on biotechnology and its various applied fields. The advancement of DNA technology in paternity has no big difference than the classical approach of physiognomy (qiyafah) and also followed the Maqasid requirement to be used in Islamic Law (Shabana, 2014) with the addition that the paternity must be within the context of legal marriage to uphold the Islamic ethico-legal tradition (Shabana, 2013) to make sure that the procedure does not violate the basis of Islamic Law (Shabana, 2012). So, the bioethics in the field of genetic and biotechnology according to Amin et al. (2011), needs a proper guidelines that is accordance with the main sources of Islamic law to produce a comprehensive of Islamic bioethical framework. Thus, the Maqasid Shariah totally disagree with any actions that is inhumanity including the 'unwanted pregnancy' or abortion, as it is absolutely against the Islamic Law that function to preserve lineage and the abortion itself is a crime against humanity (Kasule, 2003).

Table 3: Number of Publications by Research Areas

Research Areas	Number of Article	Percentage (%)
Banking and Financial	10	15.9
Environment	5	7.9
Halal	7	11.1
Medical and Bioethics	17	27
Public Policy, Governance and Legislation	12	19.1
Sociology and Education	5	7.9
Technology and Engineering	7	11.1
Total	63	100

Table 3 concludes on the number of article published according to research area. Highest number of publication has been found in the medical and bioethics research areas. While the least is in the field of environment study. Table 4 and 5 detail the publications according to year and research areas.

Table 4: Number of Publications by Years

Year of Publications	Number of Article	Percentage (%)
2019	2	3.2
2018	8	12.7
2017	9	14.3
2016	17	27
2015	9	14.3
2014	6	9.5
2013	2	3.2
2012	5	7.9
2011	4	6.3
2003	1	1.6
Total	63	100

Table 5: Number of Papers by Research Area per Year

Year	2003	2011	2012	2013	2014	2015	2016	2017	2018	2019	
Research Areas	Number of Article										Total
Banking and Financial					1	2	2	2	2	1	10
Environment			1			2		2			5
Halal					1	1	3	1	1		7
Medical and Bioethics	1	1	1	1	2	1	7	1	2		17
Public Policy, Governance and Legislation		2	3			2	3	1	1		12
Sociology and Education					1	1	2	1			5
Technology and Engineering		1		1	1			1	2	1	7
Total	1	4	5	2	6	9	17	9	8	2	63

Conclusion

In a nutshell, classical *maqāṣid* jurists and scholars have provided the fundamental idea and theory of *maqāṣid al-sharī'ah* derived from their understanding toward the legal provisions in the al-Quran and al-Sunnah. They also managed to build the framework of *maqāṣid al-sharī'ah* along with the terminology, methodology, division, and classification related to it. These conspicuous contributions succeeded by the early jurists and scholars have opened great opportunities for the contemporary *maqāṣid* scholars to address current and real challenges in Muslim societies. They extended the fundamental theory and framework of *maqāṣid al-sharī'ah* and develop it into the modern field of knowledge. This development has become a nexus for the researchers who are intended to conduct an integrated research between religious study and other area of interest. As far as this research concern, there are numbers of potential research area that can be integrated with *maqāṣid al-sharī'ah* but not yet been conducted by any scholar or researcher.

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